FILED
2011 Nov-23 PM 03:23
U.S. DISTRICT COURT
N.D. OF ALABAMA

EXHIBIT "B"

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 01-CV-2011-903780.00

IN THE CIVIL COURT OF JEFFERSON, ALABAMA
NATHANIEL BARNES JR. V. SANTANDER CONSUMER USA, INC. ET AL

NOTICE TO SANTANDER CONSUMER USA, INC., C/O CT CORPORATION SYSTEM 2 NORTH JACKSON ST, #605, MONTGOMERY, AL 36104

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY JOHN GRIFFIN WATTS

WHOSE ADDRESS IS 301 19th Street North, BIRMINGHAM, AL 35203

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.
TO ANY SHERIFF OR ANY PERSONNEL AUTHORIZED by the Alabama Rules of the Civil Procedure:

☐ You are hereby commanded to serve this summons and a copy of the complaint in this action upon the defendant

☑ Service by certified mail of this summons is initiated upon the written request of NATHANIEL BARNES JR. pursuant to the Alabama Rules of the Civil Procedure

10/22/2011 9:03:12 AM — Date

/s ANNE-MARIE ADAMS — Clerk/Register

By ____________

☑ Certified mail is hereby requested

/s JOHN GRIFFIN WATTS — Plaintiff's/Attorney's Signature

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on ____________

☐ I certify that I personally delivered a copy of the Summons and Complaint to ____________

____________ in ____________ County, Alabama on ____________

____________ Date

____________ Server's Signature

State of Alabama Unified Judicial System Form C-34 Rev 6/88	SUMMONS - CIVIL -	Case Number: 01-CV-2011-903780.00

IN THE CIVIL COURT OF JEFFERSON, ALABAMA

NATHANIEL BARNES JR. V. SANTANDER CONSUMER USA, INC. ET AL

NOTICE TO CITY WIDE INVESTIGATORS, INC., C/O ANGELA HOOPER 3825 LOWER WETUMPKA ROAD, MONTGOMERY, AL 36110

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY JOHN GRIFFIN WATTS

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________ Server's Signature

ELECTRONICALLY FILED
10/22/2011 9:03 AM
CV-2011-903780.00
CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

State of Alabama
Unified Judicial System

Form ARCiv-93 Rev.5/99

COVER SHEET
CIRCUIT COURT - CIVIL CASE
(Not For Domestic Relations Cases)

Case Number: 01-CV-201

Date of Filing: 10/22/2011

GENERAL INFORMATION

IN THE CIRCUIT OF JEFFERSON COUNTY, ALABAMA
NATHANIEL BARNES JR. v. SANTANDER CONSUMER USA, INC. ET AL

First Plaintiff: ☐ Business ☑ Individual ☐ Government ☐ Other

First Defendant: ☑ Business ☐ Individual ☐ Government ☐ Other

NATURE OF SUIT:

TORTS: PERSONAL INJURY

- ☐ WDEA - Wrongful Death
- ☐ TONG - Negligence: General
- ☐ TOMV - Negligence: Motor Vehicle
- ☐ TOWA - Wantonnes
- ☐ TOPL - Product Liability/AEMLD
- ☐ TOMM - Malpractice-Medical
- ☐ TOLM - Malpractice-Legal
- ☐ TOOM - Malpractice-Other
- ☐ TBFM - Fraud/Bad Faith/Misrepresentation
- ☑ TOXX - Other: FDCPA

TORTS: PERSONAL INJURY

- ☐ TOPE - Personal Property
- ☐ TORE - Real Property

OTHER CIVIL FILINGS

- ☐ ABAN - Abandoned Automobile
- ☐ ACCT - Account & Nonmortgage
- ☐ APAA - Administrative Agency Appeal
- ☐ ADPA - Administrative Procedure Act
- ☐ ANPS - Adults in Need of Protective Services

OTHER CIVIL FILINGS (cont'd)

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- ☐ CVRT - Civil Rights
- ☐ COND - Condemnation/Eminent Domain/Right-of-Way
- ☐ CTMP-Contempt of Court
- ☐ CONT-Contract/Ejectment/Writ of Seizure
- ☐ TOCN - Conversion
- ☐ EQND- Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- ☐ CVUD-Eviction Appeal/Unlawfyul Detainer
- ☐ FORJ-Foreign Judgment
- ☐ FORF-Fruits of Crime Forfeiture
- ☐ MSHC-Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- ☐ PFAB-Protection From Abuse
- ☐ FELA-Railroad/Seaman (FELA)
- ☐ RPRO-Real Property
- ☐ WTEG-Will/Trust/Estate/Guardianship/Conservatorship
- ☐ COMP-Workers' Compensation
- ☐ CVXX-Miscellaneous Circuit Civil Case

ORIGIN: F ☑ **INITIAL FILING** A ☐ **APPEAL FROM DISTRICT COURT** O ☐ **OTHER**

R ☐ **REMANDED** T ☐ **TRANSFERRED FROM OTHER CIRCUIT COURT**

HAS JURY TRIAL BEEN DEMANDED? ☑ **Yes** ☐ **No**

RELIEF REQUESTED: ☑ **MONETARY AWARD REQUESTED** ☐ **NO MONETARY AWARD REQUESTED**

ATTORNEY CODE: WAT056 10/22/2011 8:57:27 AM /s/ JOHN GRIFFIN WATTS

MEDIATION REQUESTED: ☐ **Yes** ☑ **No** ☐ **Undecided**

ELECTRONICALLY FILED
10/22/2011 9:03 AM
CV-2011-903780.00
CIRCUIT COURT OF
JEFFERSON COUNTY, ALABAMA
ANNE-MARIE ADAMS, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

NATHANIEL BARNES, JR., **PLAINTIFF,** **v.** **SANTANDER CONSUMER USA, INC.; CITY WIDE INVESTIGATORS, INC.; FICTITIOUS DEFENDANTS A, B and C being that person, entity or individual who attempted to repossess the vehicle; FICTITIOUS DEFENDANTS D, E, and F, being that person, entity or individual who negligently hired, trained and supervised the person or entity charged with repossessing the vehicle or collect the alleged debt; FICTITIOUS DEFENDANTS G, H, and I, being that person, entity or individual who attempted to collect a debt from Plaintiff; FICTITIOUS DEFENDANTS J, K. and L, being that person, entity or individual who committed the wrongful acts alleged in the Complaint; FICTITIOUS DEFENDANTS M, N, and O, being that person, entity or individual who has contacted Plaintiff or Plaintiff's family or co-workers regarding the debt or the vehicle. Names of the Fictitious parties are unknown to the Plaintiff at this time but will be added by amendment when ascertained** **DEFENDANTS.**	)	**CIVIL ACTION NO.:**

COMPLAINT

COMES NOW the Plaintiff and for his complaint against the Defendants states as follows:

1. This action arises out of Defendants' repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), out of state law violations and out of the

invasions of Plaintiff's personal and financial privacy by the Defendants and their agents in their illegal efforts to collect a consumer debt from Plaintiff that Plaintiff does not owe.

2. Congress found it necessary to pass the FDCPA due to rampant abusive practices by dishonorable debt collectors. 15 USC § 1692 is entitled "Congressional findings and declaration of purpose" and it states as follows:

> (a) There is **abundant evidence** of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. **Abusive debt collection practices contribute** to the number of personal bankruptcies, to marital instability, to the loss of jobs, and **to invasions of individual privacy**.
>
> (b) Existing laws and procedures for redressing these injuries are inadequate to protect consumers.
>
> (c) **Means other than** misrepresentation or other **abusive debt collection practices are available for the effective collection of debts**.
>
> (d) Abusive debt collection practices are carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.
>
> (e) It is the **purpose** of this title to **eliminate abusive debt collection practices** by debt collectors, to **insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged**, and to promote consistent State action to protect consumers against debt collection abuses.

[Emphasis added].

PARTIES

1. Plaintiff, Nathaniel Barnes, Jr., is a resident of Jefferson County, Alabama, and is over the age of nineteen years.

2. Defendant, Santander Consumer USA, Inc., (hereinafter referred to as "Santander") is, upon information and belief, a foreign corporation doing business in the State of Alabama.

3. Defendant, City Wide Investigators, Inc., (hereinafter referred to as "City Wide") is, upon information and belief, a domestic corporation doing business in the State of Alabama.

4. Fictitious Defendants "A" through "O" (as set forth in the caption and fully incorporated herein) thereby intending to refer to the legal person, entity or individual who attempted to repossess the vehicle, who negligently hired; trained and supervised the person or entity charged with repossessing the vehicle or collect the alleged debt; who attempted to collect a debt from Plaintiff; who committed the wrongful acts alleged in the Complaint; who has contacted Plaintiff or Plaintiff's family or co-workers regarding the debt or the vehicle; names of the Fictitious parties are unknown to the Plaintiff at this time but will be added by amendment when ascertained.

5. Any reference to any Defendant also includes all Fictitious Defendants.

FACTUAL ALLEGATIONS

6. Plaintiff's parents had an automobile loan for a Jeep Commander.

7. Defendant Santander took over the servicing or ownership of the loan after it was in default.

8. Plaintiff does not have the vehicle.

9. Plaintiff's sister has been making payments on the vehicle and has been receiving the billing statements at her house.

10. Plaintiff's sister has been using the vehicle.

11. Plaintiff's parents are now deceased.

12. Defendants have targeted Plaintiff, an African American Pastor and employee at a Ford dealership, to collect on a debt he does not owe and to repossess the Jeep he does not possess.

13. As Defendants allege Plaintiff owes the debt, Plaintiff is a "consumer" under the FDCPA.

14. The debt relates to a vehicle loan which was used for personal or household purposes.

15. Defendant Santander hired, directly or indirectly, Defendant City Wide, related to the Jeep and the debt.

16. Defendant City Wide was hired to repossess the Jeep.

17. Defendant City Wide was hired by Defendant Santander to collect the debt which is allegedly owed on the Jeep.

18. Defendants have repeatedly discussed with Plaintiff the Jeep and the alleged debt owed on it.

19. Plaintiff has repeatedly told Defendants that he does not owe this debt.

20. Plaintiff has repeatedly told Defendants he does not have possession of the Jeep.

21. Defendants have told Plaintiff he owes the debt.

22. This includes Defendant City Wide which has acted not only as a repossession company but also as a debt collector.

23. Defendant Santander has acted as a debt collector.

24. Defendants have told Plaintiff that even if he does not owe the debt, he still has to pay it.

25. Defendants have told Plaintiff that they will recover the Jeep from the Plaintiff since Plaintiff's parents have died.

26. Defendants have been insistent that they want the money allegedly owed and/or they want the Jeep.

27. Plaintiff believes that the Jeep has equity and this may explain, in part, why the Defendants have been so willing to violate the law over a vehicle that Plaintiff does not own and does not owe any money on.

28. Defendants showed up at Plaintiff's house while Plaintiff was at work.

29. Plaintiff received a call from his daughter who was at the house alone.

30. Plaintiff's daughter told Plaintiff that she was very scared and frightened because there was at least one threatening man from Defendants standing on the porch outside the front door.

31. Plaintiff's daughter was told that Defendants had an arrest warrant for Plaintiff, his sister, and his sister's child.

32. Defendants told Plaintiff's daughter they were going to take the Jeep from the Plaintiff's backyard.

33. The Jeep is not in the Plaintiff's backyard.

34. The Defendants were very rude and threatening to Plaintiff's daughter.

35. Plaintiff's daughter was horrified by the abusive conduct of Defendants.

36. Plaintiff rushed from his job and drove home as quickly as possible, while staying in communication with his daughter.

37. Plaintiff's daughter was trapped in the home because of the Defendants.

38. Plaintiff demanded to know from Defendants what was going on and why they were causing a scene in Plaintiff's neighborhood.

39. Neighbors were seeing the commotion.

40. This embarrassed the Plaintiff.

41. Defendants told Plaintiff he had to pay for the Jeep and/or give them the Jeep.

42. Plaintiff explained to the Defendants that he did not owe for the Jeep as it was not in his name.

43. Plaintiff explained that the Jeep was in his parents name.

44. Plaintiff explained to the Defendants that his parents were dead.

45. Defendants stated to Plaintiff that they did not care about his parents being dead.

46. Defendants told Plaintiff that they would have the money or the vehicle.

47. Plaintiff told Defendants he did not have the vehicle.

48. Defendants said that Plaintiff was a liar.

49. Defendants said the vehicle was in Plaintiff's backyard.

50. Plaintiff denied the vehicle was in his backyard.

51. Defendants called Plaintiff a car thief.

52. Defendants discovered that Plaintiff pastors a church in Birmingham.

53. After discovering this, Defendants repeatedly used vulgar and profane language directed towards Plaintiff.

54. Plaintiff was in his uniform from a local Ford dealership where he works.

55. Defendants pulled a tow truck onto Plaintiff's property.

56. Defendants positioned the tow truck to block Plaintiff from being able to move his vehicle out of his driveway.

57. Plaintiff demanded that Defendants leave his house.

58. Plaintiff demanded that Defendants stop blocking him in to his driveway.

59. Plaintiff demanded Defendants stop harassing his family.

60. The response of the Defendants was to laugh at the Plaintiff.

61. The Defendants also continued using vulgar and profane words against Plaintiff.

62. Defendants laughed and moved their truck.

63. Defendants drove their truck onto Plaintiff's property.

64. Defendants went to various neighbors of Plaintiff.

65. Defendants told one or more of the neighbors that Plaintiff was in possession of the Jeep.

66. Defendants told one or more of the neighbors that Plaintiff had stolen the Jeep.

67. Defendants told one or more of the neighbors to call Defendants with information about the Jeep and Defendants would pay money for the information.

68. The Defendants passed out a business card to one or more of the neighbors which contained the following information:

a. City Wide Investigators, Inc.

b. Langford Recovery

c. RSIG-Recovery Specialists Insurance Group

d. John Reed - Agent

e. 3825 Lower Wetumpka Road, Montgomery, Alabama 36100

f. Toll free: 800-264-1582

g. Phone: 334.832.1888

h. Phone: 334.531.2836

i. Fax: 334.263.5721

j. Email: loc8it@aol.com

k. "ARA * NFA * TFA"

69. Defendants called Plaintiff's employer several times.

70. On at least one occasion Defendants spoke to Plaintiff's supervisor.

71. Defendants told Plaintiff's supervisor that they were from Ford.

72. Defendants told Plaintiff's supervisor that Plaintiff had a car that belonged to Ford.

73. Defendants told Plaintiff's supervisor they were trying to recover the car from the Plaintiff.

74. Defendants told Plaintiff's supervisor that Plaintiff had likely stolen cars from the dealership.

75. Defendants told Plaintiff's supervisor Plaintiff was a thief.

76. Defendants told Plaintiff's supervisor that Plaintiff needed to be investigated.

77. On September 19, 2011, Defendants called Plaintiff's work and asked to speak with the owner of the dealership.

78. The customer relations specialist that Defendants[1] spoke with told Defendants that the owner was not in but that she could take a message.

79. Defendants stated that they needed to speak with someone immediately.

80. The customer relations employee told Defendants that she would try to help them.

81. The Defendants told the young lady who worked for Plaintiff's employer that they had been speaking with Plaintiff and Plaintiff was rude to them by using profane language and racial slurs.

82. Defendants told the young lady "Nate [Plaintiff] told me to suck his d**k and called me a cracker."

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[1] The person making the call did not fully identify himself but, based upon information and belief, he is an agent and/or employee of Defendants.

83. One or more employees or agents of the Defendants have called, emailed, and/or texted Plaintiff and claimed to be from some sort of fraud investigation unit.

84. One of the names used is "Tony Mack".

85. This individual identifies himself as investigator Tony Mack.

86. A case number of 37147 is used in the communications by these individuals from some type of alleged fraud investigation unit that is owned by, hired by, or otherwise is an agent of one or more of the Defendants.

87. The number for this fraud investigation unit is 1-866-858-3464.

88. An email given by one or more of these individuals is tmack@fraudinvestigationunit.com.

89. The Defendants know that Plaintiff is not allowed by his employer to receive the threatening calls that Defendants have subjected Plaintiff to at his work, but Defendants have continued to make these calls to Plaintiff's work.

90. Defendants have contacted third-parties without properly identifying themselves or giving the required disclosures.

91. Defendants have contacted third-parties and stated that Plaintiff owes this debt.

92. Defendants have contacted third-parties on more than one occasion without being requested to do so.

93. Defendants have used conduct against Plaintiff of such a nature that the natural consequence of Defendants' actions is to harass, oppress, or abuse Plaintiff.

94. Defendants have, by language and/or actions, threatened violence or other criminal activities against Plaintiff, including trespass to Plaintiff's property, and trapping Plaintiff by the means of Defendants' truck.

95. Defendants have used profane and abusive language towards and concerning Plaintiff.

96. Defendants have caused Plaintiff's phone to ring and/or engaged Plaintiff in repeated telephone conversations with the intent to annoy, abuse, harass, and/or extort payment from Plaintiff.

97. Defendants have refused to provide meaningful disclosure of their identities in telephone calls and other communications.

98. The Defendants have used lies and other deceptive means to collect on this non-existent debt.

99. The lies have concerned the character, amount, and legal status of this debt as Plaintiff does not owe this debt but Defendants have asserted to Plaintiff and others that Plaintiff owes the debt.

100. Defendants have lied and stated that the Plaintiff will be arrested for committing a crime.

101. This was done in connection with collecting this non-existent debt.

102. The Defendants have communicated false information related to the credit worthiness of Plaintiff to Plaintiff's employer and others.

103. Defendants have refused to give their true name in all communications related to this bogus debt.

104. The loan agreement does not allow collection efforts against Plaintiff, but Defendants have continued their practice of unauthorized collection activities against Plaintiff.

105. Defendants have refused to mail the required notice within five (5) days of the initial communication each Defendant had with Plaintiff.

106. Employees and/or agents of one or more of the Defendants have contacted, or attempted to contact various employees at Plaintiff's place of employment in a deliberate attempt to harass, annoy, and/or otherwise abuse Plaintiff.

107. The purpose of all of the wrongful conduct of all of the Defendants has been to blackmail, extort, and/or otherwise force Plaintiff to pay a debt that all Defendants know Plaintiff does not owe.

108. All of the acts of the named and unnamed employees, agents, and/or servants of all of the various Defendants were acting in the line and scope of their employment and/or agency when the committed the action or omissions made the basis of this lawsuit.

109. Defendant Santander hired the other Defendants to take the actions against Plaintiff on behalf of Defendant Santander.

110. All of the Defendants were incompetent and all Defendants were negligent and/or wanton in their hiring, training, and/or supervision of their own agents, employees, and the other Defendants.

111. All Defendants acted as agents of all other Defendants.

112. All Defendants acted in the line and scope of their agency relationship with all other Defendants.

113. All Defendants are "debt collectors" under the FDCPA.

114. All Defendants have refused to show or express any remorse or sorrow for their actions against Plaintiff.

COUNT I

Trespass

115. Plaintiff hereby readopts and realleges each and every allegation contained in this complaint and further states as follows.

116. The actions of all of the Defendants resulted in trespass to Plaintiff's real property.

117. The intent was to intimidate, harass, annoy, and embarrass Plaintiff by trespassing upon Plaintiff's property.

118. Plaintiff has been deprived of the use and peace of Plaintiff's own property and has otherwise had the right to use Plaintiff's property interfered with by the actions of all of the Defendants.

COUNT II

Negligence and/or Wantonness

119. Plaintiff hereby readopts and realleges each and every allegation contained in this complaint and further states as follows.

120. All of the Defendants owed a duty to Plaintiff to exercise reasonable care in the repossession and debt collection process.

121. The Defendants breached all of their duties to Plaintiff in their negligent and/or wanton actions toward him.

122. The actions of the Defendants constitute negligence and/or wantonness in the wrongful acts related to the collection efforts against Plaintiff and the wrongful conduct towards Plaintiff related to Plaintiff's personal property.

COUNT III

Negligent Hiring / Supervision / Training

123. Plaintiff hereby readopts and realleges each and every allegation contained in this complaint and further states as follows.

124. The Defendants acted negligently and/or wantonly in the hiring, supervising and training of its agents and/or employees.

125. Defendants' agents and/or employees were incompetent to perform their duties and all Defendants knew of this.

126. This negligent and/or wanton conduct directly lead to the wrongful collection activities and state law violations alleged in the Complaint.

127. As a direct and proximate consequence of the Defendants' negligent and/or wanton conduct, the Plaintiff was injured as described in this Complaint.

128. Plaintiff suffered damages as a direct and proximate result of the aforementioned negligence and/or wantonness.

COUNT IV

Willfulness / Malice

129. Plaintiff hereby readopts and realleges each and every allegation contained in this complaint and further states as follows.

130. All of the Defendants owed a duty to Plaintiff to exercise reasonable care in the repossession process.

131. The actions of the Defendants constitute willfulness and malice in the manner in which Defendants treated Plaintiff.

132. The clear intent was to cause harm to Plaintiff and this intent was realized as Plaintiff was harmed.

133. While Defendants were unsuccessful in extorting money out of Plaintiff, all of their actions were willful, intentional, and malicious.

COUNT V

Invasion of Privacy

134. Plaintiff hereby readopts and realleges each and every allegation contained in this complaint and further states as follows.

135. Alabama law recognizes Defendants' right to be free from invasions of privacy and Plaintiff violated Alabama state law as described in this Complaint.

136. Defendants invaded Plaintiff's privacy by the campaign of deliberate harassment that went beyond the bounds of reasonableness in its collection of the alleged debt of Plaintiff.

137. Defendants and/or their agents intentionally, recklessly, and/or negligently interfered, physically or otherwise, with the solitude, seclusion and or private concerns or affairs of the Plaintiff.

138. Defendants and their agents intentionally, recklessly, and/or negligently caused emotional harm to Plaintiff by engaging in highly offensive conduct in the course of its repossession and collection activities, thereby invading and intruding upon Plaintiff's right to privacy.

139. Plaintiff had a reasonable expectation of privacy in Plaintiff's solitude, seclusion, private concerns or affairs, and private financial information.

140. The conduct of Defendants and their agents, in engaging in the above-described conduct against Plaintiff, resulted in multiple intrusions and invasions of privacy by the

Defendants which occurred in a way that would be highly offensive to a reasonable person in that position.

141. All acts of Defendants and its agents and/or employees were committed with malice, intent, wantonness, and/or recklessness.

COUNT VI

Breach of Peace

142. Plaintiff hereby readopts and realleges each and every allegation contained in this complaint and further states as follows.

143. Defendants breached the peace in their attempted repossession by verbally abusing Plaintiff and Plaintiff's daughter, trespassing on Plaintiff's property, falsely imprisoning Plaintiff and his daughter, and threatening to arrest Plaintiff.

COUNT VII

Violations of the Fair Debt Collection Practices Act
15 U.S.C. § 1692 et seq.

144. Plaintiff hereby readopts and realleges each and every allegation contained in this complaint and further states as follows.

145. The acts and omissions of Defendants and their agents constitute numerous and multiple violations of the FDCPA with respect to the Plaintiff including, but not limited to the following: 1692b, 1692b(1), 1692b(2), 1692b(3), 1692c, 1692c(a)(1), 1692c(a)(3), 1692c(b), 1692d, 1692d(1), 1692d(2), 1692d(5), 1692d(6), 1692e, 1692e(2), 1692e(4), 1692e(5), 1692e(7), 1692e(8), 1692e(10), 1692e(11), 1692e(14), 1692f, 1692f(1), 1692f(6), and 1692g.

146. As a result of Defendants' violations of the FDCPA, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to $1,000.00

pursuant to 15 U.S.C. § 1692k(a)(2)(A); (2) actual and compensatory damages; and, (3) reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3), from Santander.

COUNT VIII

False Imprisonment

147. Plaintiff hereby readopts and realleges each and every allegation contained in this complaint and further states as follows.

148. Defendants positioned themselves and their vehicle in such a manner as to prevent Plaintiff from leaving his own home in his vehicle.

149. This was intentional, willful, wanton, and/or negligent.

150. The purpose behind the false imprisonment was to cause harm to Plaintiff so as to force Plaintiff to pay the debt.

COUNT IX

Slander and Defamation

151. Plaintiff hereby readopts and realleges each and every allegation contained in this complaint and further states as follows.

152. Defendants made false statements, as described in this complaint, to Plaintiff's daughter.

153. Defendants made false statements, as described in this complaint, to Plaintiff's neighbors.

154. Defendants made false statements, as described in this complaint, to Plaintiff's co-workers.

155. Defendants made false statements to others besides Plaintiff's family, neighbors, and co-workers.

156. The false statements concern Plaintiff's truthfulness.

157. The false statements concern Plaintiff's honesty.

158. The false statements concern Plaintiff's character.

159. The false statements concern Plaintiff's committing a crime of theft of the Jeep.

160. The false statements concern Plaintiff's use of vulgar language towards Defendants.

161. The false statements concern Plaintiff's use of racial slurs.

162. The false statements concern Plaintiff's ability to work at the Ford dealership.

163. The false statements concern Plaintiff's to serve in his role as a Pastor in a church in Birmingham, Alabama.

164. These false statements have caused Plaintiff great embarrassment, mental anguish, emotional distress, and loss of reputation in Plaintiff's community, family, and work.

RELIEF REQUESTED

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests this Honorable Court to enter compensatory, statutory, and punitive damages against all named and fictitiously described defendants for the wrongful acts described in this complaint and any amended complaint which may be filed, plus enter costs, interest, attorney's fees, and all other relief to which the Plaintiff is entitled.

Respectfully Submitted,

/s/ John G. Watts
John G. Watts (WAT056)
M. Stan Herring (HER037)
Attorneys for Plaintiff

OF COUNSEL:
Watts & Herring, LLC
The Kress Building
301 19th Street North
Birmingham, Alabama 35203
(205) 879-2447
(888) 522-7167 *facsimile*
john@wattsherring.com
stan@wattsherring.com

PLAINTIFF DEMANDS A TRIAL BY JURY

/s/ John G. Watts
OF COUNSEL

Serve Defendants via certified mail at the following addresses:

Santander Consumer USA, Inc.
c/o CT Corporation System
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104

City Wide Investigators, Inc.
c/o Angela Hooper
3825 Lower Wetumpka Road
Montgomery, Alabama 36110